

Senate File 439

SENATE FILE _____
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 1180)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to and making appropriations to the justice
2 system and providing an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1125SV 80
5 jm/pj/5

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1 1 Section 1. DEPARTMENT OF JUSTICE.
1 2 1. There is appropriated from the general fund of the
1 3 state to the department of justice for the fiscal year
1 4 beginning July 1, 2003, and ending June 30, 2004, the
1 5 following amount, or so much thereof as is necessary, to be
1 6 used for the purposes designated:
1 7 For the general office of attorney general for salaries,
1 8 support, maintenance, miscellaneous purposes including the
1 9 prosecuting attorney training program, victim assistance
1 10 grants, office of drug control policy (ODCP) prosecuting
1 11 attorney program, legal services for persons in poverty grants
1 12 as provided in section 13.34, odometer fraud enforcement, and
1 13 for not more than the following full-time equivalent
1 14 positions:
1 15 \$ 7,271,979
1 16 FTEs 208.50

1 17 It is the intent of the general assembly that as a
1 18 condition of receiving the appropriation provided in this
1 19 subsection, the department of justice shall maintain a record
1 20 of the estimated time incurred representing each agency or
1 21 department.

1 22 2. In addition to the funds appropriated in subsection 1,
1 23 there is appropriated from the general fund of the state to
1 24 the department of justice for the fiscal year beginning July
1 25 1, 2003, and ending June 30, 2004, an amount not exceeding
1 26 \$200,000 to be used for the enforcement of the Iowa
1 27 competition law. The funds appropriated in this subsection
1 28 are contingent upon receipt by the general fund of the state
1 29 of an amount at least equal to the expenditure amount from
1 30 either damages awarded to the state or a political subdivision
1 31 of the state by a civil judgment under chapter 553, if the
1 32 judgment authorizes the use of the award for enforcement
1 33 purposes or costs or attorneys fees awarded the state in state
1 34 or federal antitrust actions. However, if the amounts
1 35 received as a result of these judgments are in excess of
2 1 \$200,000, the excess amounts shall not be appropriated to the
2 2 department of justice pursuant to this subsection. The
2 3 department of justice shall report the department's actual
2 4 costs and an estimate of the time incurred enforcing the
2 5 competition law, to the cochairpersons and ranking members of
2 6 the joint appropriations subcommittee on the justice system,
2 7 and to the legislative fiscal bureau by November 15, 2003.

2 8 3. In addition to the funds appropriated in subsection 1,
2 9 there is appropriated from the general fund of the state to
2 10 the department of justice for the fiscal year beginning July
2 11 1, 2003, and ending June 30, 2004, an amount not exceeding
2 12 \$1,125,000 to be used for public education relating to
2 13 consumer fraud and for enforcement of section 714.16, and an
2 14 amount not exceeding \$75,000 for investigation, prosecution,
2 15 and consumer education relating to consumer and criminal fraud
2 16 against older Iowans. The funds appropriated in this
2 17 subsection are contingent upon receipt by the general fund of
2 18 the state of an amount at least equal to the expenditure
2 19 amount from damages awarded to the state or a political
2 20 subdivision of the state by a civil consumer fraud judgment or
2 21 settlement, if the judgment or settlement authorizes the use
2 22 of the award for public education on consumer fraud. However,
2 23 if the funds received as a result of these judgments and

2 24 settlements are in excess of \$1,200,000, the excess funds
2 25 shall not be appropriated to the department of justice
2 26 pursuant to this subsection. The department of justice shall
2 27 report to the cochairpersons and ranking members of the joint
2 28 appropriations subcommittee on the justice system, and to the
2 29 legislative fiscal bureau by November 15, 2003, the
2 30 department's actual costs and an estimate of the time incurred
2 31 in providing education pursuant to and enforcing this
2 32 subsection.

2 33 4. a. The funds used for victim assistance grants shall
2 34 be used to provide grants to care providers providing services
2 35 to crime victims of domestic abuse or to crime victims of rape
3 1 and sexual assault.

3 2 b. The balance of the victim compensation fund established
3 3 in section 915.94 may be used to provide salary and support of
3 4 not more than 22 FTEs and to provide maintenance for the
3 5 victim compensation functions of the department of justice.

3 6 5. The department of justice shall submit monthly
3 7 financial statements to the legislative fiscal bureau and the
3 8 department of management containing all appropriated accounts
3 9 in the same manner as provided in the monthly financial status
3 10 reports and personal services usage reports of the department
3 11 of revenue and finance. The monthly financial statements
3 12 shall include comparisons of the moneys and percentage spent
3 13 of budgeted to actual revenues and expenditures on a
3 14 cumulative basis for full-time equivalent positions and
3 15 available moneys.

3 16 6. a. The department of justice, in submitting budget
3 17 estimates for the fiscal year commencing July 1, 2004,
3 18 pursuant to section 8.23, shall include a report of funding
3 19 from sources other than amounts appropriated directly from the
3 20 general fund of the state to the department of justice or to
3 21 the office of consumer advocate. These funding sources shall
3 22 include, but are not limited to, reimbursements from other
3 23 state agencies, commissions, boards, or similar entities, and
3 24 reimbursements from special funds or internal accounts within
3 25 the department of justice. The department of justice shall
3 26 report actual reimbursements for the fiscal year commencing
3 27 July 1, 2002, and actual and expected reimbursements for the
3 28 fiscal year commencing July 1, 2003.

3 29 b. The department of justice shall include the report
3 30 required under paragraph "a", as well as information regarding
3 31 any revisions occurring as a result of reimbursements actually
3 32 received or expected at a later date, in a report to the co=
3 33 chairpersons and ranking members of the joint appropriations
3 34 subcommittee on the justice system and the legislative fiscal
3 35 bureau. The department of justice shall submit the report on
4 1 or before January 15, 2004.

4 2 7. As a condition for accepting a grant for legal services
4 3 for persons in poverty funded pursuant to section 13.34, an
4 4 organization receiving a grant shall submit a report to the
4 5 general assembly by January 1, 2004, concerning the use of any
4 6 grants received during the previous fiscal year and efforts
4 7 made by the organization to find alternative sources of
4 8 revenue to replace any reductions in federal funding for the
4 9 organization.

4 10 8. The department of justice and the department of revenue
4 11 and finance shall, in consultation with one another, issue a
4 12 request for information from private sector collection
4 13 agencies, concerning the use of such agencies for the
4 14 collection of fines, fees, surcharges, and court costs which
4 15 are delinquent more than one year. The department of justice
4 16 and the department of revenue and finance shall submit a
4 17 report regarding the request for information by December 15,
4 18 2003, for consideration by the general assembly in 2004.

4 19 Sec. 2. DEPARTMENT OF JUSTICE == ENVIRONMENTAL CRIMES
4 20 INVESTIGATION AND PROSECUTION == FUNDING. There is
4 21 appropriated from the environmental crime fund of the
4 22 department of justice, consisting of court-ordered fines and
4 23 penalties awarded to the department arising out of the
4 24 prosecution of environmental crimes, to the department of
4 25 justice for the fiscal year beginning July 1, 2003, and ending
4 26 June 30, 2004, an amount not exceeding \$20,000 to be used by
4 27 the department, at the discretion of the attorney general, for
4 28 the investigation and prosecution of environmental crimes,
4 29 including the reimbursement of expenses incurred by county,
4 30 municipal, and other local governmental agencies cooperating
4 31 with the department in the investigation and prosecution of
4 32 environmental crimes.

4 33 The funds appropriated in this section are contingent upon
4 34 receipt by the environmental crime fund of the department of

4 35 justice of an amount at least equal to the appropriations made
5 1 in this section and received from contributions, court-ordered
5 2 restitution as part of judgments in criminal cases, and
5 3 consent decrees entered into as part of civil or regulatory
5 4 enforcement actions. However, if the funds received during
5 5 the fiscal year are in excess of \$20,000, the excess funds
5 6 shall be deposited in the general fund of the state.

5 7 Notwithstanding section 8.33, moneys appropriated in this
5 8 section that remain unexpended or unobligated at the close of
5 9 the fiscal year shall not revert but shall remain available
5 10 for expenditure for the purpose designated until the close of
5 11 the succeeding fiscal year.

5 12 Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is
5 13 appropriated from the general fund of the state to the office
5 14 of consumer advocate of the department of justice for the
5 15 fiscal year beginning July 1, 2003, and ending June 30, 2004,
5 16 the following amount, or so much thereof as is necessary, to
5 17 be used for the purposes designated:

5 18 For salaries, support, maintenance, miscellaneous purposes,
5 19 and for not more than the following full-time equivalent
5 20 positions:

5 21 \$ 2,750,386
5 22 FTEs 27.00

5 23 Sec. 4. DEPARTMENT OF CORRECTIONS == FACILITIES.

5 24 1. There is appropriated from the general fund of the
5 25 state to the department of corrections for the fiscal year
5 26 beginning July 1, 2003, and ending June 30, 2004, the
5 27 following amounts, or so much thereof as is necessary, to be
5 28 used for the purposes designated:

5 29 For the operation of adult correctional institutions,
5 30 reimbursement of counties for certain confinement costs, and
5 31 federal prison reimbursement, to be allocated as follows:

5 32 a. For the operation of the Fort Madison correctional
5 33 facility, including salaries, support, maintenance, employment
5 34 of correctional officers, miscellaneous purposes, and for not
5 35 more than the following full-time equivalent positions:

6 1 \$ 35,673,163
6 2 FTEs 576.50

6 3 b. For the operation of the Anamosa correctional facility,
6 4 including salaries, support, maintenance, employment of
6 5 correctional officers and a part-time chaplain to provide
6 6 religious counseling to inmates of a minority race,
6 7 miscellaneous purposes, and for not more than the following
6 8 full-time equivalent positions:

6 9 \$ 24,531,917
6 10 FTEs 375.75

6 11 Moneys are provided within this appropriation for one full-
6 12 time substance abuse counselor for the Luster Heights
6 13 facility, for the purpose of certification of a substance
6 14 abuse program at that facility.

6 15 c. For the operation of the Oakdale correctional facility,
6 16 including salaries, support, maintenance, employment of
6 17 correctional officers, miscellaneous purposes, and for not
6 18 more than the following full-time equivalent positions:

6 19 \$ 22,107,007
6 20 FTEs 326.50

6 21 d. For the operation of the Newton correctional facility,
6 22 including salaries, support, maintenance, employment of
6 23 correctional officers, miscellaneous purposes, and for not
6 24 more than the following full-time equivalent positions:

6 25 \$ 22,865,691
6 26 FTEs 371.25

6 27 e. For the operation of the Mt. Pleasant correctional
6 28 facility, including salaries, support, maintenance, employment
6 29 of correctional officers and a full-time chaplain to provide
6 30 religious counseling at the Oakdale and Mt. Pleasant
6 31 correctional facilities, miscellaneous purposes, and for not
6 32 more than the following full-time equivalent positions:

6 33 \$ 21,329,386
6 34 FTEs 327.06

6 35 f. For the operation of the Rockwell City correctional
7 1 facility, including salaries, support, maintenance, employment
7 2 of correctional officers, miscellaneous purposes, and for not
7 3 more than the following full-time equivalent positions:

7 4 \$ 7,383,506
7 5 FTEs 110.00

7 6 g. For the operation of the Clarinda correctional
7 7 facility, including salaries, support, maintenance, employment
7 8 of correctional officers, miscellaneous purposes, and for not
7 9 more than the following full-time equivalent positions:

7 10 \$ 18,595,788

7 11 FTEs 291.76
7 12 Moneys received by the department of corrections as
7 13 reimbursement for services provided to the Clarinda youth
7 14 corporation are appropriated to the department and shall be
7 15 used for the purpose of operating the Clarinda correctional
7 16 facility.
7 17 h. For the operation of the Mitchellville correctional
7 18 facility, including salaries, support, maintenance, employment
7 19 of correctional officers, miscellaneous purposes, and for not
7 20 more than the following full-time equivalent positions:
7 21 \$ 12,260,590
7 22 FTEs 216.00
7 23 i. For the operation of the Fort Dodge correctional
7 24 facility, including salaries, support, maintenance, employment
7 25 of correctional officers, miscellaneous purposes, and for not
7 26 more than the following full-time equivalent positions:
7 27 \$ 24,693,949
7 28 FTEs 394.00
7 29 j. For reimbursement of counties for temporary confinement
7 30 of work release and parole violators, as provided in sections
7 31 901.7, 904.908, and 906.17 and for offenders confined pursuant
7 32 to section 904.513:
7 33 \$ 674,954
7 34 k. For federal prison reimbursement, reimbursements for
7 35 out-of-state placements, and miscellaneous contracts:
8 1 \$ 241,293
8 2 The department of corrections shall use funds appropriated
8 3 in this subsection to continue to contract for the services of
8 4 a Muslim imam.
8 5 2. a. If the inmate tort claim fund for inmate claims of
8 6 less than \$100 is exhausted during the fiscal year, sufficient
8 7 funds shall be transferred from the institutional budgets to
8 8 pay approved tort claims for the balance of the fiscal year.
8 9 The warden or superintendent of each institution or
8 10 correctional facility shall designate an employee to receive,
8 11 investigate, and recommend whether to pay any properly filed
8 12 inmate tort claim for less than the above amount. The
8 13 designee's recommendation shall be approved or denied by the
8 14 warden or superintendent and forwarded to the department of
8 15 corrections for final approval and payment. The amounts
8 16 appropriated to this fund pursuant to 1987 Iowa Acts, chapter
8 17 234, section 304, subsection 2, are not subject to reversion
8 18 under section 8.33.
8 19 b. Tort claims denied at the institution shall be
8 20 forwarded to the state appeal board for their consideration as
8 21 if originally filed with that body. This procedure shall be
8 22 used in lieu of chapter 669 for inmate tort claims of less
8 23 than \$100.
8 24 3. It is the intent of the general assembly that the
8 25 department of corrections shall timely fill correctional
8 26 positions authorized for correctional facilities pursuant to
8 27 this section.
8 28 Sec. 5. DEPARTMENT OF CORRECTIONS == ADMINISTRATION.
8 29 1. There is appropriated from the general fund of the
8 30 state to the department of corrections for the fiscal year
8 31 beginning July 1, 2003, and ending June 30, 2004, the
8 32 following amounts, or so much thereof as is necessary, to be
8 33 used for the purposes designated:
8 34 a. For general administration, including salaries,
8 35 support, maintenance, employment of an education director and
9 1 clerk to administer a centralized education program for the
9 2 correctional system, miscellaneous purposes, and for not more
9 3 than the following full-time equivalent positions:
9 4 \$ 2,713,159
9 5 FTEs 42.18
9 6 (1) The department shall monitor the use of the
9 7 classification model by the judicial district departments of
9 8 correctional services and has the authority to override a
9 9 district department's decision regarding classification of
9 10 community-based clients. The department shall notify a
9 11 district department of the reasons for the override.
9 12 (2) It is the intent of the general assembly that as a
9 13 condition of receiving the appropriation provided in this
9 14 paragraph, the department of corrections shall not, except as
9 15 otherwise provided in subparagraph (3), enter into a new
9 16 contract, unless the contract is a renewal of an existing
9 17 contract, for the expenditure of moneys in excess of \$100,000
9 18 during the fiscal year beginning July 1, 2003, for the
9 19 privatization of services performed by the department using
9 20 state employees as of July 1, 2003, or for the privatization
9 21 of new services by the department, without prior consultation

9 22 with any applicable state employee organization affected by
9 23 the proposed new contract and prior notification of the
9 24 cochairpersons and ranking members of the joint appropriations
9 25 subcommittee on the justice system.

9 26 (3) It is the intent of the general assembly that each
9 27 lease negotiated by the department of corrections with a
9 28 private corporation for the purpose of providing private
9 29 industry employment of inmates in a correctional institution
9 30 shall prohibit the private corporation from utilizing inmate
9 31 labor for partisan political purposes for any person seeking
9 32 election to public office in this state and that a violation
9 33 of this requirement shall result in a termination of the lease
9 34 agreement.

9 35 (4) It is the intent of the general assembly that as a
10 1 condition of receiving the appropriation provided in this
10 2 paragraph, the department of corrections shall not enter into
10 3 a lease or contractual agreement pursuant to section 904.809
10 4 with a private corporation for the use of building space for
10 5 the purpose of providing inmate employment without providing
10 6 that the terms of the lease or contract establish safeguards
10 7 to restrict, to the greatest extent feasible, access by
10 8 inmates working for the private corporation to personal
10 9 identifying information of citizens.

10 10 b. For educational programs for inmates at state penal
10 11 institutions:

10 12 \$ 1,000,000

10 13 It is the intent of the general assembly that moneys
10 14 appropriated in this paragraph shall be used solely for the
10 15 purpose indicated and that the moneys shall not be transferred
10 16 for any other purpose. In addition, it is the intent of the
10 17 general assembly that the department shall consult with the
10 18 community colleges in the areas in which the institutions are
10 19 located to utilize moneys appropriated in this subsection to
10 20 fund the high school completion, high school equivalency
10 21 diploma, adult literacy, and adult basic education programs in
10 22 a manner so as to maintain these programs at the institutions.

10 23 To maximize the funding for educational programs, the
10 24 department shall establish guidelines and procedures to
10 25 prioritize the availability of educational and vocational
10 26 training for inmates based upon the goal of facilitating an
10 27 inmate's successful release from the correctional institution.

10 28 The director of the department of corrections may transfer
10 29 moneys from Iowa prison industries for use in educational
10 30 programs for inmates.

10 31 Notwithstanding section 8.33, moneys appropriated in this
10 32 paragraph that remain unobligated or unexpended at the close
10 33 of the fiscal year shall not revert but shall remain available
10 34 for expenditure only for the purpose designated in this
10 35 paragraph until the close of the succeeding fiscal year.

11 1 c. For the development of the Iowa corrections offender
11 2 network (ICON) data system:

11 3 \$ 427,700

11 4 2. The department of corrections shall submit a report to
11 5 the cochairpersons and ranking members of the joint
11 6 appropriations subcommittee on the justice system and the
11 7 legislative fiscal bureau, on or before January 15, 2004,
11 8 concerning the development and implementation of the Iowa
11 9 corrections offender network (ICON) data system.

11 10 3. It is the intent of the general assembly that the
11 11 department of corrections shall continue to operate the
11 12 correctional farms under the control of the department at the
11 13 same or greater level of participation and involvement as
11 14 existed as of January 1, 2003, shall not enter into any rental
11 15 agreement or contract concerning any farmland under the
11 16 control of the department that is not subject to a rental
11 17 agreement or contract as of January 1, 2003, without prior
11 18 legislative approval, and shall further attempt to provide job
11 19 opportunities at the farms for inmates. The department shall
11 20 attempt to provide job opportunities at the farms for inmates
11 21 by encouraging labor-intensive farming or gardening where
11 22 appropriate, using inmates to grow produce and meat for
11 23 institutional consumption, researching the possibility of
11 24 instituting food canning and cook-and-chill operations, and
11 25 exploring opportunities for organic farming and gardening,
11 26 livestock ventures, horticulture, and specialized crops.

11 27 4. The department shall work to increase produce gardening
11 28 by inmates under the control of the correctional institutions,
11 29 and, if appropriate, may use the central distribution network
11 30 at the Woodward state resource center. The department shall
11 31 file a report with the cochairpersons and ranking members of
11 32 the joint appropriations subcommittee on the justice system by

11 33 December 1, 2003, regarding the feasibility of expanding the
11 34 number of acres devoted to organic gardening and to the
11 35 growing of organic produce for sale.

12 1 5. The department of corrections shall submit a report to
12 2 the general assembly by January 1, 2004, concerning moneys
12 3 recouped from inmate earnings for the reimbursement of
12 4 operational expenses of the applicable facility during the
12 5 fiscal year beginning July 1, 2002, for each correctional
12 6 institution and judicial district department of correctional
12 7 services. In addition, each correctional institution and
12 8 judicial district department of correctional services shall
12 9 continue to submit a report to the legislative fiscal bureau
12 10 on a monthly basis concerning moneys recouped from inmate
12 11 earnings pursuant to sections 904.702, 904.809, and 905.14.

12 12 6. The department of corrections, in cooperation with the
12 13 judicial district departments of correctional services, shall
12 14 develop an agency strategic plan as required by section
12 15 8E.204. The plan shall consist of outcome measures for all
12 16 treatment programs, including but not limited to successful
12 17 completion and return rates, and cost per offender treated.
12 18 The plan shall also include a brief description for each
12 19 program offered within each judicial district department, the
12 20 goals for each program, the program capacity, and the funding
12 21 source of the program. The plan shall further include the
12 22 level and sublevel classifications for each program on the
12 23 corrections continuum in Code chapter 901B. The department
12 24 and the judicial district departments of correctional services
12 25 shall file a report by December 15, 2003, with the
12 26 cochairpersons and ranking members of the joint appropriations
12 27 subcommittee on the justice system, and to the legislative
12 28 fiscal bureau, detailing the agency strategic plan.

12 29 7. Notwithstanding the number of full-time equivalent
12 30 positions authorized for the department of corrections, the
12 31 department may employ more than the number of full-time
12 32 equivalent positions as necessary to alleviate staff shortages
12 33 caused by members of the Iowa national guard or armed forces
12 34 reserve units being called up for active duty.

12 35 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
13 1 SERVICES.

13 2 1. There is appropriated from the general fund of the
13 3 state to the department of corrections for the fiscal year
13 4 beginning July 1, 2003, and ending June 30, 2004, the
13 5 following amounts, or so much thereof as is necessary, to be
13 6 allocated as follows:

13 7 a. For the first judicial district department of
13 8 correctional services, including the treatment and supervision
13 9 of probation and parole violators who have been released from
13 10 the department of corrections violator program, the following
13 11 amount, or so much thereof as is necessary:

13 12 \$ 9,282,883

13 13 b. For the second judicial district department of
13 14 correctional services, including the treatment and supervision
13 15 of probation and parole violators who have been released from
13 16 the department of corrections violator program, the following
13 17 amount, or so much thereof as is necessary:

13 18 \$ 7,288,784

13 19 c. For the third judicial district department of
13 20 correctional services, including the treatment and supervision
13 21 of probation and parole violators who have been released from
13 22 the department of corrections violator program, the following
13 23 amount, or so much thereof as is necessary:

13 24 \$ 4,232,132

13 25 d. For the fourth judicial district department of
13 26 correctional services, including the treatment and supervision
13 27 of probation and parole violators who have been released from
13 28 the department of corrections violator program, the following
13 29 amount, or so much thereof as is necessary:

13 30 \$ 3,998,773

13 31 e. For the fifth judicial district department of
13 32 correctional services, including the treatment and supervision
13 33 of probation and parole violators who have been released from
13 34 the department of corrections violator program, the following
13 35 amount, or so much thereof as is necessary:

14 1 \$ 12,129,142

14 2 f. For the sixth judicial district department of
14 3 correctional services, including the treatment and supervision
14 4 of probation and parole violators who have been released from
14 5 the department of corrections violator program, the following
14 6 amount, or so much thereof as is necessary:

14 7 \$ 9,293,841

14 8 g. For the seventh judicial district department of

14 9 correctional services, including the treatment and supervision
14 10 of probation and parole violators who have been released from
14 11 the department of corrections violator program, the following
14 12 amount, or so much thereof as is necessary:

14 13 \$ 5,231,406

14 14 h. For the eighth judicial district department of
14 15 correctional services, including the treatment and supervision
14 16 of probation and parole violators who have been released from
14 17 the department of corrections violator program, the following
14 18 amount, or so much thereof as is necessary:

14 19 \$ 5,280,849

14 20 2. Each judicial district department of correctional
14 21 services, within the funding available, shall continue
14 22 programs and plans established within that district to provide
14 23 for intensive supervision, sex offender treatment, diversion
14 24 of low-risk offenders to the least restrictive sanction
14 25 available, job development, and expanded use of intermediate
14 26 criminal sanctions.

14 27 3. Each judicial district department of correctional
14 28 services shall provide alternatives to prison consistent with
14 29 chapter 901B. The alternatives to prison shall ensure public
14 30 safety while providing maximum rehabilitation to the offender.
14 31 A judicial district department may also establish a day
14 32 program.

14 33 4. The governor's office of drug control policy shall
14 34 consider federal grants made to the department of corrections
14 35 for the benefit of each of the eight judicial district
15 1 departments of correctional services as local government
15 2 grants, as defined pursuant to federal regulations.

15 3 5. In addition to the requirements of section 8.39, the
15 4 department of corrections shall not make an intradepartmental
15 5 transfer of moneys appropriated to the department, unless
15 6 notice of the intradepartmental transfer is given prior to its
15 7 effective date to the legislative fiscal bureau. The notice
15 8 shall include information on the department's rationale for
15 9 making the transfer and details concerning the work load and
15 10 performance measures upon which the transfers are based.

15 11 Sec. 7. INTENT == REPORTS.

15 12 1. It is the intent of the general assembly that each
15 13 correctional facility make all reasonable efforts to maintain
15 14 vocational education programs for inmates during the fiscal
15 15 year beginning July 1, 2003, and to identify available funding
15 16 sources to continue these programs. The department of
15 17 corrections shall submit a report to the general assembly by
15 18 January 1, 2004, concerning the efforts made by each
15 19 correctional facility in maintaining vocational education
15 20 programs for inmates.

15 21 2. The department of corrections shall submit a report on
15 22 inmate labor to the general assembly, the cochairpersons, and
15 23 the ranking members of the joint appropriations subcommittee
15 24 on the justice system, and to the legislative fiscal bureau by
15 25 January 15, 2004. The report shall specifically address the
15 26 progress the department has made in implementing the
15 27 requirements of section 904.701, inmate labor on capital
15 28 improvement projects, community work crews, inmate produce
15 29 gardening, and private-sector employment.

15 30 3. Each month the department shall provide a status report
15 31 regarding private-sector employment to the legislative fiscal
15 32 bureau beginning on July 1, 2003. The report shall include
15 33 the number of offenders employed in the private sector, the
15 34 combined number of hours worked by the offenders, and the
15 35 total amount of allowances, and the distribution of allowances
16 1 pursuant to section 904.702, including any moneys deposited in
16 2 the general fund of the state.

16 3 Sec. 8. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

16 4 1. As used in this section, unless the context otherwise
16 5 requires, "state agency" means the government of the state of
16 6 Iowa, including but not limited to all executive branch
16 7 departments, agencies, boards, bureaus, and commissions, the
16 8 judicial branch, the general assembly and all legislative
16 9 agencies, institutions within the purview of the state board
16 10 of regents, and any corporation whose primary function is to
16 11 act as an instrumentality of the state.

16 12 2. State agencies are hereby encouraged to purchase
16 13 products from Iowa state industries, as defined in section
16 14 904.802, when purchases are required and the products are
16 15 available from Iowa state industries. State agencies shall
16 16 obtain bids from Iowa state industries for purchases of office
16 17 furniture exceeding \$5,000 or in accordance with applicable
16 18 administrative rules related to purchases for the agency.

16 19 Sec. 9. STATE PUBLIC DEFENDER. There is appropriated from

16 20 the general fund of the state to the office of the state
16 21 public defender of the department of inspections and appeals
16 22 for the fiscal year beginning July 1, 2003, and ending June
16 23 30, 2004, the following amounts, or so much thereof as is
16 24 necessary, to be allocated as follows for the purposes
16 25 designated:

16 26 1. For salaries, support, maintenance, and miscellaneous
16 27 purposes, and for not more than the following full-time
16 28 equivalent positions:
16 29 \$ 16,330,999
16 30 FTEs 202.00

16 31 2. For the fees of court-appointed attorneys for indigent
16 32 adults and juveniles, in accordance with section 232.141 and
16 33 chapter 815:
16 34 \$ 19,851,587

16 35 The office of the state public defender may reallocate the
17 1 moneys appropriated in this section if the legislative fiscal
17 2 bureau and the department of management are notified prior to
17 3 the reallocation.

17 4 The state public defender's office shall, in consultation
17 5 with the indigent defense advisory commission, the judicial
17 6 branch, the Iowa state bar association, and other interested
17 7 parties, file a report detailing how efficiency and cost
17 8 savings measures can be achieved within the state public
17 9 defender's office. The report shall be filed with the general
17 10 assembly by December 15, 2003. The report shall include a
17 11 review of the federal guidelines for appointing an attorney
17 12 for an indigent defendant in federal court, make
17 13 recommendations for changes to the definition of "indigent"
17 14 for the purposes of appointing an attorney in state court,
17 15 make recommendations on methods which can be used for
17 16 recouping delinquent indigent defense fees, court costs,
17 17 surcharges, fines, and other fees, and detail the office's
17 18 cost containment efforts, and measurements of performance and
17 19 performance-based budgeting.

17 20 Sec. 10. IOWA LAW ENFORCEMENT ACADEMY.

17 21 1. There is appropriated from the general fund of the
17 22 state to the Iowa law enforcement academy for the fiscal year
17 23 beginning July 1, 2003, and ending June 30, 2004, the
17 24 following amount, or so much thereof as is necessary, to be
17 25 used for the purposes designated:

17 26 For salaries, support, maintenance, miscellaneous purposes,
17 27 including jailer training and technical assistance, and for
17 28 not more than the following full-time equivalent positions:
17 29 \$ 1,002,629
17 30 FTEs 30.05

17 31 It is the intent of the general assembly that the Iowa law
17 32 enforcement academy may provide training of state and local
17 33 law enforcement personnel concerning the recognition of and
17 34 response to persons with Alzheimer's disease.

17 35 2. The Iowa law enforcement academy may select at least
18 1 five automobiles of the department of public safety, division
18 2 of the Iowa state patrol, prior to turning over the
18 3 automobiles to the state fleet administrator to be disposed of
18 4 by public auction and the Iowa law enforcement academy may
18 5 exchange any automobile owned by the academy for each
18 6 automobile selected if the selected automobile is used in
18 7 training law enforcement officers at the academy. However,
18 8 any automobile exchanged by the academy shall be substituted
18 9 for the selected vehicle of the department of public safety
18 10 and sold by public auction with the receipts being deposited
18 11 in the depreciation fund to the credit of the department of
18 12 public safety, division of the Iowa state patrol.

18 13 Sec. 11. BOARD OF PAROLE. There is appropriated from the
18 14 general fund of the state to the board of parole for the
18 15 fiscal year beginning July 1, 2003, and ending June 30, 2004,
18 16 the following amount, or so much thereof as is necessary, to
18 17 be used for the purposes designated:

18 18 For salaries, support, maintenance, miscellaneous purposes,
18 19 and for not more than the following full-time equivalent
18 20 positions:
18 21 \$ 1,015,780
18 22 FTEs 16.50

18 23 The board of parole shall make recommendations regarding
18 24 options to improve the criminal justice system which shall
18 25 ensure public safety while providing maximum rehabilitation to
18 26 the offender. The board shall file a report detailing the
18 27 recommendations with the cochairpersons and ranking members of
18 28 the joint appropriations subcommittee on the justice system by
18 29 December 15, 2003.

18 30 Sec. 12. DEPARTMENT OF PUBLIC DEFENSE. There is

18 31 appropriated from the general fund of the state to the
 18 32 department of public defense for the fiscal year beginning
 18 33 July 1, 2003, and ending June 30, 2004, the following amounts,
 18 34 or so much thereof as is necessary, to be used for the
 18 35 purposes designated:

19 1 1. MILITARY DIVISION
 19 2 For salaries, support, maintenance, miscellaneous purposes,
 19 3 and for not more than the following full-time equivalent
 19 4 positions:
 19 5 \$ 5,081,502
 19 6 FTEs 298.00
 19 7 If there is a surplus in the general fund of the state for
 19 8 the fiscal year ending June 30, 2004, within 60 days after the
 19 9 close of the fiscal year, the military division may incur up
 19 10 to an additional \$500,000 in expenditures from the surplus
 19 11 prior to transfer of the surplus pursuant to section 8.57.

19 12 2. EMERGENCY MANAGEMENT DIVISION
 19 13 For salaries, support, maintenance, miscellaneous purposes,
 19 14 and for not more than the following full-time equivalent
 19 15 positions:
 19 16 \$ 1,060,492
 19 17 FTEs 25.25

19 18 Sec. 13. IOWA COMMUNICATIONS NETWORK OPERATIONS.
 19 19 1. There is appropriated from the general fund of the
 19 20 state to the Iowa telecommunications and technology commission
 19 21 for the fiscal year beginning July 1, 2003, and ending June
 19 22 30, 2004, the following amount, or so much thereof as is
 19 23 necessary, to be used for the purposes designated in this
 19 24 subsection:
 19 25 For operations of the network consistent with chapter 8D
 19 26 and for the following full-time equivalent positions:
 19 27 \$ 500,000
 19 28 FTEs 105.10

19 29 2. Notwithstanding section 8.33 or 8.39, moneys
 19 30 appropriated in this section which remain unobligated or
 19 31 unexpended at the close of the fiscal year shall not revert
 19 32 but shall remain available for the purposes designated in the
 19 33 succeeding fiscal year, and shall not be transferred to any
 19 34 other program.

19 35 3. It is the intent of the general assembly that the Iowa
 20 1 telecommunications and technology commission annually review
 20 2 the hourly rates established, as provided in section 8D.3,
 20 3 subsection 3, paragraph "i". Such rates shall be established
 20 4 in a manner to minimize any subsidy provided through state
 20 5 general fund appropriations.

20 6 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is
 20 7 appropriated from the general fund of the state to the
 20 8 department of public safety for the fiscal year beginning July
 20 9 1, 2003, and ending June 30, 2004, the following amounts, or
 20 10 so much thereof as is necessary, to be used for the purposes
 20 11 designated:

20 12 1. For the department's administrative functions,
 20 13 including the criminal justice information system, and for not
 20 14 more than the following full-time equivalent positions:
 20 15 \$ 2,377,580
 20 16 FTEs 38.50
 20 17 The department shall study the security needs for the state
 20 18 criminalistics laboratory, the state hygienic laboratory, the
 20 19 department of agriculture and land stewardship laboratory, and
 20 20 the state medical examiner's office located on the Des Moines
 20 21 area community college's campus in Ankeny. The department
 20 22 shall file a report detailing the results of the department's
 20 23 study with the general assembly by December 15, 2003.

20 24 2. For the division of criminal investigation and bureau
 20 25 of identification including the state's contribution to the
 20 26 peace officers' retirement, accident, and disability system
 20 27 provided in chapter 97A in the amount of 17 percent of the
 20 28 salaries for which the funds are appropriated, to meet federal
 20 29 fund matching requirements, and for not more than the
 20 30 following full-time equivalent positions:
 20 31 \$ 12,863,855
 20 32 FTEs 230.50

20 33 The department of public safety, with the approval of the
 20 34 department of management, may employ no more than two special
 20 35 agents and four gaming enforcement officers for each
 21 1 additional riverboat regulated after July 1, 2003, and one
 21 2 special agent for each racing facility which becomes
 21 3 operational during the fiscal year which begins July 1, 2003.
 21 4 One additional gaming enforcement officer, up to a total of
 21 5 four per boat, may be employed for each riverboat that has
 21 6 extended operations to 24 hours and has not previously

21 7 operated with a 24-hour schedule. Positions authorized in
 21 8 this paragraph are in addition to the full-time equivalent
 21 9 positions otherwise authorized in this subsection.
 21 10 3. a. For the division of narcotics enforcement,
 21 11 including the state's contribution to the peace officers'
 21 12 retirement, accident, and disability system provided in
 21 13 chapter 97A in the amount of 17 percent of the salaries for
 21 14 which the funds are appropriated, to meet federal fund
 21 15 matching requirements, and for not more than the following
 21 16 full-time equivalent positions:
 21 17 \$ 3,608,471
 21 18 FTEs 61.00
 21 19 b. For the division of narcotics enforcement for
 21 20 undercover purchases:
 21 21 \$ 123,343
 21 22 4. a. For the state fire marshal's office, including the
 21 23 state's contribution to the peace officers' retirement,
 21 24 accident, and disability system provided in chapter 97A in the
 21 25 amount of 17 percent of the salaries for which the funds are
 21 26 appropriated, and for not more than the following full-time
 21 27 equivalent positions:
 21 28 \$ 1,818,352
 21 29 FTEs 40.00
 21 30 b. For the state fire marshal's office, for fire
 21 31 protection services as provided through the state fire service
 21 32 and emergency response council as created in the department,
 21 33 and for not more than the following full-time equivalent
 21 34 positions:
 21 35 \$ 595,619
 22 1 FTEs 12.00
 22 2 5. a. For the division of the Iowa state patrol of the
 22 3 department of public safety, for salaries, support,
 22 4 maintenance, workers' compensation costs, and miscellaneous
 22 5 purposes, including the state's contribution to the peace
 22 6 officers' retirement, accident, and disability system provided
 22 7 in chapter 97A in the amount of 17 percent of the salaries for
 22 8 which the funds are appropriated, and for not more than the
 22 9 following full-time equivalent positions:
 22 10 \$ 37,339,586
 22 11 FTEs 544.00
 22 12 b. District 16, including the state's contribution to the
 22 13 peace officers' retirement, accident, and disability system
 22 14 provided in chapter 97A in the amount of 17 percent of the
 22 15 salaries for which the funds are appropriated and for not more
 22 16 than the following full-time equivalent positions:
 22 17 \$ 1,210,075
 22 18 FTEs 26.00
 22 19 6. For deposit in the public safety law enforcement sick
 22 20 leave benefits fund established under section 80.42, for all
 22 21 departmental employees eligible to receive benefits for
 22 22 accrued sick leave under the collective bargaining agreement:
 22 23 \$ 216,104
 22 24 7. An employee of the department of public safety who
 22 25 retires after July 1, 2003, but prior to June 30, 2004, is
 22 26 eligible for payment of life or health insurance premiums as
 22 27 provided for in the collective bargaining agreement covering
 22 28 the public safety bargaining unit at the time of retirement if
 22 29 that employee previously served in a position which would have
 22 30 been covered by the agreement. The employee shall be given
 22 31 credit for the service in that prior position as though it
 22 32 were covered by that agreement. The provisions of this
 22 33 subsection shall not operate to reduce any retirement benefits
 22 34 an employee may have earned under other collective bargaining
 22 35 agreements or retirement programs.
 23 1 8. For costs associated with the training and equipment
 23 2 needs of volunteer fire fighters and for not more than the
 23 3 following full-time equivalent position:
 23 4 \$ 544,587
 23 5 FTEs 1.00
 23 6 Notwithstanding section 8.33, moneys appropriated in this
 23 7 subsection that remain unobligated or unexpended at the close
 23 8 of the fiscal year shall not revert but shall remain available
 23 9 for expenditure only for the purpose designated in this
 23 10 subsection until the close of the succeeding fiscal year.
 23 11 Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated
 23 12 from the general fund of the state to the Iowa state civil
 23 13 rights commission for the fiscal year beginning July 1, 2003,
 23 14 and ending June 30, 2004, the following amount, or so much
 23 15 thereof as is necessary, to be used for the purposes
 23 16 designated:
 23 17 For salaries, support, maintenance, miscellaneous purposes,

23 18 and for not more than the following full-time equivalent
23 19 positions:
23 20 \$ 806,894
23 21 FTEs 28.00

23 22 If the anticipated amount of federal funding from the
23 23 federal equal employment opportunity commission and the
23 24 federal department of housing and urban development exceeds
23 25 \$1,144,875 during the fiscal year beginning July 1, 2003, the
23 26 Iowa state civil rights commission may exceed the staffing
23 27 level authorized in this section to hire additional staff to
23 28 process or to support the processing of employment and housing
23 29 complaints during that fiscal year.

23 30 The Iowa state civil rights commission may enter into a
23 31 contract with a nonprofit organization to provide legal
23 32 assistance to resolve civil rights complaints.

23 33 Sec. 16. Section 100B.9, unnumbered paragraph 1, Code
23 34 2003, is amended to read as follows:

23 35 The building known as the fire service institute at Iowa
24 1 state university, the land upon which the building is located,
24 2 and parking space associated with the building shall, until
24 3 July 1, ~~2003~~ 2010, be leased by Iowa state university to the
24 4 department of public safety at a cost not to exceed the actual
24 5 cost of heating, lighting, and maintaining the building and
24 6 parking space. ~~In the event the department of public safety~~
~~24 7 locates suitable facilities prior to that time, the lease may~~
~~24 8 be terminated at the option of the department.~~ All equipment
24 9 owned by Iowa state university and used exclusively to conduct
24 10 fire service training, classes, or business shall transfer on
24 11 July 1, 2000, to the department of public safety unless such
24 12 transfer is prohibited or restricted by law or agreement.
24 13 This equipment includes, but is not limited to, breathing
24 14 apparatus, fire suppression gear, mobile equipment, office
24 15 furniture, computers, copying machines, library, file
24 16 cabinets, and training records.

24 17 Sec. 17. 1998 Iowa Acts, chapter 1101, section 15,
24 18 subsection 2, as amended by 1999 Iowa Acts, chapter 202,
24 19 section 25, as amended by 2000 Iowa Acts, chapter 1229,
24 20 section 25, as amended by 2001 Iowa Acts, chapter 186, section
24 21 21, and as amended by 2002 Iowa Acts, Second Extraordinary
24 22 Session, chapter 1003, section 170, is amended to read as
24 23 follows:

24 24 2. a. There is appropriated from surcharge moneys
24 25 received by the E911 administrator and deposited into the
24 26 wireless E911 emergency communications fund, for each fiscal
24 27 year in the fiscal period beginning July 1, 1998, and ending
24 28 June 30, ~~2003~~ 2004, an amount not to exceed two hundred
24 29 thousand dollars to be used for the implementation, support,
24 30 and maintenance of the functions of the E911 administrator.
24 31 The amount appropriated in this paragraph includes any amounts
24 32 necessary to reimburse the division of emergency management of
24 33 the department of public defense pursuant to paragraph "b".

24 34 b. Notwithstanding the distribution formula in section
24 35 34A.7A, as enacted in this Act, and prior to any such
25 1 distribution, of the initial surcharge moneys received by the
25 2 E911 administrator and deposited into the wireless E911
25 3 emergency communications fund, for each fiscal year in the
25 4 fiscal period beginning July 1, 1998, and ending June 30, ~~2003~~
25 5 2004, an amount is appropriated to the division of emergency
25 6 management of the department of public defense as necessary to
25 7 reimburse the division for amounts expended for the
25 8 implementation, support, and maintenance of the E911
25 9 administrator, including the E911 administrator's salary.

25 10 Sec. 18. POSTING OF REPORTS IN ELECTRONIC FORMAT ==
25 11 LEGISLATIVE FISCAL BUREAU. All reports or copies of reports
25 12 required to be provided in this Act for fiscal year 2003=2004
25 13 to the legislative fiscal bureau shall be provided in an
25 14 electronic format. The legislative fiscal bureau shall post
25 15 the reports on its internet site and shall notify by
25 16 electronic means all the members of the joint appropriations
25 17 subcommittee on the justice system when a report is posted.
25 18 Upon request, copies of the reports may be mailed to members
25 19 of the joint appropriations subcommittee on the justice
25 20 system.

25 21 Sec. 19. EFFECTIVE DATE. The section of this Act amending
25 22 1998 Iowa Acts, chapter 1101, being deemed of immediate
25 23 importance, takes effect upon enactment.